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NOTICE				REGULATIONS				
AGENCY WITH RULEMAKING AUTHORITY Board of Forestry & Fire Protection			REGULATIONS			AGENCY FILE NUMBER (If any)		
Board of For	restry & Fire Prot	ection						
A. PUBLICA	TION OF NOTIC	E (Comp	lete for pul	olication in Notice	Register)			
1. SUBJECT OF NO	OTICE			TITLE(S)	FIRST SECTIO	N AFFECTED	2. REQUESTED PUBLICATION	DATE
3. NOTICE TYPE Notice re Pi	ronosed -		4. AGENCY CO	NTACT PERSON	TELEPHONE NU	UMBER	FAX NUMBER (Optional)	
Regulatory	Action Othe							
OAL USE	ACTION ON PROPOSED  Approved as	Appr	oved as	Disapproved/	NOTICE REGIS		PUBLICATION DATE	
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## NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 01-09) (REVERSE)

# INSTRUCTIONS FOR PUBLICATION OF NOTICE AND SUBMISSION OF REGULATIONS

Use the form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

#### **ALL FILINGS**

Enter the name of the agency with the rulemaking authority and agency's file number, if any.

#### **NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations and the statement of reasons. Upon receipt of the notice, OAL will place a number in the box marked "Notice File Number." If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

#### REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Gov. Code § 11347.3 for rulemaking file contents.)

# RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the OAL file number(s) of all previously disapproved or withdrawn filings in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box lb. of Part B). Submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Gov. Code §§ 11349.4 and 11347.3 for more specific requirements.)

#### **EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Gov. Code §11346.1 for other requirements.)

#### NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A and insert the OAL file number(s) for the original emergency filing(s) in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

#### CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B, including the signed certification, on the form that was previously submitted with the notice. If a new STD. 400 is used, fill in Part B including the signed certification, and enter the previously assigned notice file number in the box marked "Notice File Number" at the top of the form. The materials indicated in these instructions for "REGULATIONS" must also be submitted.

### **EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and insert the OAL file number(s) related to the original emergency filing in the box marked "All Previous Related OAL Regulatory Action Number (s)" (box 1b. of Part B).

#### CHANGES WITHOUT REGULATORY EFFECT

When submitting changes without regulatory effect pursuant to California Code of Regulations, Title 1, section 100, complete Part B, including marking the appropriate box in both B.3. and B.5.

#### **ABBREVIATIONS**

Cal. Code Regs. - California Code of Regulations Gov. Code - Government Code SAM - State Administrative Manual

For questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law Reference Attorney at (916) 323-6815.





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#### SRA Fire Safe Regulations Update, 2011

#### 14 CCR, Division 1.5, Chapter 7 Fire Protection, Subchapter 2.

#### **SRA Fire Safe Regulations**

#### [Adopted August 8, 2012]

#### § 1270. Title.

- These regulations shall be known as "SRA" Fire Safe Regulations", and shall constitute the basic wildland fire protection standards of the California Board of Forestry and Fire Protection.
- Note: Authority cited: Public Resources Code Section 4290. Reference: Public Resources Code Sections 4102, 4126, 4127 and 4290.

#### § 1270.02. Scope.

- These regulations do not apply to existing structures, roads, streets, and private lanes or facilities. These regulations shall apply as appropriate to all construction within SRA approved after January 1, 1991.
- (a) These regulations shall apply to:
- (1) the perimeters and access to all residential, commercial, and industrial building construction within SRA approved after January 1, 1991 except as set forth below in subsection b.);
- (2) all tentative and parcel maps or other developments approved after January 1, 1991; and
- (3) applications for building permits on a parcel approved in a pre-1991 parcel or tentative map to the extent that conditions relating to the perimeters and access to the buildings were not imposed as part of the approval of the parcel or tentative map.

(b) These regulations do not apply where an application for a building permit is filed
after January 1, 1991 for building construction on a parcel that was formed from a parcel map or
tentative map (if the final map for the tentative map is approved within the time prescribed by
the local ordinance) approved prior to January 1, 1991, to the extent that conditions relating to
the perimeters and access to the buildings were imposed by the parcel map or final tentative
map approved prior to January 1, 1991.

- (c) Affected activities include, but are not limited to:
- (1a) Ppermitting or approval of new parcels, excluding lot line adjustments as specified in Government Code (GC) Section 66412(d),
- (2b) application for a building permit for new construction, not relating to an existing structure,
  - (3e) applications for a use permit,
- (4d) the siting of manufactured homes (manufactured homes are as defined by the National Fire Protection Association, National Fire Code, Section 501A, Standard for Fire Safety Criteria for Manufactured Home installations, Sites and Communities, chapter 1, section 1-2, Definitions, page 4, 1987 edition and Health and Safety Code Sections 18007, 18008 and 19971).
- (5e) road construction, including construction of a road that does not currently exist, or extension of an existing road.
- (d) EXEMPTION: Reads required as a condition of tentative parcel maps prior to the effective date of these regulations; Rroads used solely for agricultural or mining use solely on one ownership; and roads used solely for the management and harvesting of wood products.

Note: Authority cited: Public Resources Code Section 4290. Reference: Public Resources Code Sections 4290 and 4291.

#### § 1270.03. Local Ordinances.

Nothing contained in these regulations shall be considered as abrogating the provisions of any ordinance, rule or regulation of any state or local jurisdiction providing such ordinance, rule or regulation or general plan element is equal to or more stringent than these minimum standards. The Board may certify local ordinances as equaling or exceeding these regulations when they provide the same practical effect. The Board's certification of local ordinances pursuant to this section is rendered invalid when previously certified ordinances are subsequently amended by local jurisdictions without Board re-certification of the amended ordinances. The Board's regulations supersede the amended local ordinance(s) when the amended local ordinance(s) are not re-certified by the Board. Amendments made by local jurisdictions to previously certified ordinances shall be re-certified as described in 14 CCR §§ 1270.01 and 1270.03.

Note: Authority cited: Public Resources Code Sections 4111 and 4290. Reference: Public Resources Code Sections 4117 and 4290.

#### § 1270.04. Provisions for Application of these Regulations.

This subchapter shall be applied as follows:

- (a) local jurisdictions shall provide the Director with notice of applications for building permits, tentative parcel maps, tentative maps, and use permits for construction or development within SRA.
- **(b)** the Director <u>may-shall</u> review and make fire protection recommendations on applicable construction or development or maps provided by the local jurisdiction.
- (c) the local jurisdiction shall ensure that the applicable sections of this subchapter become a condition of approval of any applicable construction of development permit or map.

issuance of the use permit; certificate of occupancy; the recordation of the parcel map or final

map; the filing of a notice of completion; or the final inspection of any project or building permit.

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Note: Authority cited: Public Resources Code Section 4290. Reference: Public Resources Code Sections 4119, 4290, and 4291.

#### § 1270.07. Exceptions to Standards.

Upon request by the applicant, exceptions to standards within this subchapter or local jurisdiction certified ordinances and mitigated practices-may be allowed by the inspection entity listed in 14 CCR 1270.05 inspection authority, where the exceptions provide the same overall practical effect as these regulations towards providing defensible space. Exceptions granted by the inspection entity listed in 14 CCR 1270.05 shall be made on a case-by-case basis only. Exceptions granted by the inspection entity listed in 14 CCR 1270.05 shall be forwarded to the appropriate CAL FIRE Unit Office that administers SRA fire protection in that county and shall be retained on file at the Unit Office.

Note: Authority cited: Public Resources Code Section 4290. Reference: Public Resources Code Sections 4290 and 4291.

#### § 1270.08. Request for Exceptions.

Requests for an exception shall be made in writing to the <u>inspection entity listed in 14 CCR</u>

1270.05inspection authority by the applicant or the applicant's authorized representative. The request shall state the specific section(s) for which an exception is requested, material facts supporting the contention of the applicant, the details of the exception <del>or mitigating measure</del> proposed, and a map showing the proposed location and siting of the exception <del>or mitigating measure</del>.

Note: Authority cited: Public Resources Code Section 4290. Reference: Public Resources Code Sections 4290 and 4291.

#### § 1270.09. Appeals

Where an exception is not granted by the inspection entity authority, the applicant may appeal such denial to the local jurisdiction. The local jurisdiction may establish or utilize an appeal process consistent with existing local building or planning department appeal processes. Before the local jurisdiction makes a determination on an appeal, the inspection authority shall be consulted and shall provide to that local jurisdiction documentation outlining the effects of the requested exception on wildland fire protection.

If an appeal is granted, the local jurisdiction shall make findings that the decision meets the intent of providing defensible space consistent with these regulations. Such findings shall include a statement of reasons for the decision. A written copy of these findings shall be provided to the <u>CAL FIRE CDF Ranger</u> Unit headquarters that administers SRA fire protection in that county <u>local jurisdiction</u>.

Note: Authority cited: Public Resources Code Section 4290. Reference: Public Resources Code Sections 4290 and 4291.